

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 08-983-WO-US)

In the Application of:)
Christophe Delesalle et al.)
Serial No.: 10/502,043) Examiner: Tung Q. Tran
Now U.S. Pat. No. 7,636,375)
Filing Date: January 19, 2005) Group Art Unit: 2416
For: Method for Multimedia Flow Transport) Confirmation No. 2502
)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Applicant files this request to give the Office a full opportunity for reconsideration of the patent term adjustment (PTA) for the above-referenced patent, as Applicant believes in good faith that 416 days of *Wyeth*-type “B Delay” has been double counted.

On December 23, 2009, Applicant filed a request for reconsideration of PTA to request addition of 491 days of PTA due to B delay, and after accounting for 74 days of overlap, Applicant requested a total of 879 days of PTA. On January 29, 2010, Applicant filed a Request for Recalculation of PTA (*i.e.*, a Form PTO/SB/131).

On April 13, 2010, the Office mailed a decision granting the December 23, 2009 request in part (“the First Decision”), adding 490 days of PTA for B Delay, thus changing the PTA for the above-referenced patent from 462 days to 878 days, for a net of 416 more days of PTA. Shortly thereafter on April 21, 2010, the Office mailed a decision in response to the Form PTO/SB/131 filed January 29, 2010, (“the Second Decision”), adding 416 more days of *Wyeth*-type “B Delay” for the above-referenced patent, for an updated total of 1294 days.

A partial copy of the “Patent Term Adjustment” screen of PAIR is reproduced below, showing an apparent double counting of *Wyeth*-type “B Delay” on December 7, 2008 (shown as 490 days that Applicant believes includes the above-mentioned 74 days of Applicant Delay) and April 12, 2010:

METHOD FOR MULTIMEDIA FLOW TRANSPORT		Under Certificate Issuance Date	Under Certificate PTC Decision	Under Certification
10/502-345				
Applicant Name:	Method For Multimedia Flow Transport	Patent Term Adjustment	PATENT TERM ADJUSTMENT	PTA
Applicant Address:	1000 University Street, Suite 1000, Seattle, WA 98101	PTA Type:	PTA Type:	PTA Type:
Priority Serial:	10/502-345	PTA Period:	PTA Period:	PTA Period:
Priority Date:	05-09-2005	PTA Date:	PTA Date:	PTA Date:
Issue Date / PTO Date:	10-12-2009	First PTA:	First PTA:	First PTA:
PTA issued PTO Date (days):	490	Applicant Delay:	490/92.5 Delay (days):	490/92.5
PTA issued PTO Date (days):	490	Total PTA Term Adjustment (days):	490/92.5	490/92.5
USPTO Adjustment (days):	-	Excess Days of Compensation:	-	-
Patent Term Adjustment History				
Date	Comments/Description	PTO(Days)	APP(Days)	
05-09-2005	PTA0001 - GRANTED			
06-12-2005	Mail Received a Notice Decision of Grant/Refn for Patent/Term Adjustment after Issue			
06-12-2005	3-Second PTA Decision of Granted for Patent Term Adjustment after Issue			
06-12-2005	Response to Notice Decision of Granted for Patent Term Adjustment after Issue			
06-12-2005	Patent Entered			
06-12-2005	Adjustment of PTA Calculation by PTO	490		
06-12-2005	Adjustment of PTA Calculation by PTO			
06-12-2005	PTA0001 Entered			
06-12-2005	Notification of Patent Grant Pending			
06-12-2005	Initial Registration Marked			
06-12-2005	PTA 25 Month	490		
06-12-2005	Initial Entry Date Used in PTA Calculation			
11-14-2009	Dispatch to PTO			
11-14-2009	Adjustment to Disbursement Ready for Issue			
11-09-2009	Issue File - Examiner Verified			
11-09-2009	Issue Fee Refund Received			
06-12-2006	Mail Notice of Allowance			
06-12-2006	Document Verification			
05-15-2009	Notice of Allowance Data Verification Completed			
05-27-2009	Data Forwarded to Examiner			
06-19-2009	Response after Non-Final Action			
06-27-2009	Mail New Final Rejection			
06-27-2009	New Final Rejection			
11-10-2009	Issue PTO Forwarded to Examiner			
11-10-2009	Data Revised and Disseminated			

Applicant believes that the First Decision is correct, that the Second Decision is in error, and thus believes in good faith that the correct PTA for the above-referenced patent is 878 days. Applicant files this request to give the Office a full opportunity for reconsideration on this point.

Applicant believes no fees are due for this request. Nonetheless, Applicant authorizes the Office to charge any fees associated with this request to Deposit Account No. 132490. The Office is invited to contact the undersigned at (312) 913-3338 as needed concerning this request.

Respectfully submitted,

**McDonnell Boehnen
Hulbert & Berghoff LLP**

Date: May 17, 2010

By: _____ /Thomas J. Loos/
Thomas J. Loos
Registration No. 60,161